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CONTENTS

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GOVERNMENT OF THE UNITED STATE OF TRAVANCORE AND COCHIN

The following Act of the Legislature of the United State of Travancore and Cochin received the assent of His Highness the Raj Pramukh on the 23rd December 1949 corresponding to the 8th Dhanu 1125 and is hereby published for General information.

THE UNITED STATE OF TRAVANCORE AND COCHIN HIGH COURT ACT, 1125.

Act No. V of 1125.

Preamble. WHEREAS it is necessary to provide for the establishment of a High Court of Judicature in the United State of Travancore and Cochin and for certain other matters connected with the constitution and functions of such a High Court;

It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Title. 1. This Act may be called the United State of Travancore and Cochin High Court Act, 1125.

Extent. 2. It extends to the whole of the United State of Travancore and Cochin;

Commencement. 3. It shall come into force at once.

Definitions. 4. In this Act, unless there is anything repugnant in the subject or context,—

(i) "United State" means the United State of Travancore and Cochin;

(ii) "Gazette" means the Gazette of the United State of Travancore and Cochin;

(iii) "Existing High Court" means the High Court constituted under Ordinance, No. II of 1124;

(iv) "the High Court" means the High Court constituted under this Act.

PART II.

CONSTITUTION OF THE HIGH COURT.

Establishment of the High Court. 5. There shall be a High Court of Judicature for the United State of Travancore and Cochin.

6. The High Court of Judicature of the United State of Travancore and Cochin, shall be a court of record and shall sit at Ernakulam.

Seat of the High Court.

7. The High Court shall consist of a Chief Justice and of such number of other Judges not less than five as the Raj Pramukh may, from time to time, appoint:

Constitution of the High Court.

Provided that notwithstanding any vacancy in the office of any Judge of the High Court, a single Judge, a Division Bench of two Judges or a Full Bench may exercise the jurisdiction and powers respectively conferred on them by Part III of this Act.

8. All proceedings commenced prior to the coming into force of this Act in the existing High Court, and all proceedings continued in the existing High Court by virtue of Section 8 of Ordinance No. II of 1124 shall be continued and depend in the High Court as if they had commenced in the High Court after the coming into force of this Act.

Proceedings commenced prior to Act to be continued.

Any order made by the existing High Court or the High Court of Travancore or Cochin in any such proceedings as aforesaid shall, for all purposes have effect not only as an order of that Court but also as an order made by the High Court.

9. (1) Every Judge of the High Court shall be appointed by the Raj Pramukh by a warrant under his hand and seal and every permanent Judge shall hold office until he attains the age of sixty years :

Appointment, resignation etc. of Judges of the High Court.

Provided that :—

(a) a Judge may, by writing under his hand addressed to the Raj Pramukh, resign his office ;

(b) a Judge may be removed from his office by order of the Raj Pramukh on the ground of misbehaviour or of infirmity of mind or body ;

(c) the office of a Judge shall be vacated by his being appointed to be a Judge of the Federal Court or of any other High Court within the territory of India.

(2) A person shall not be qualified for appointment as a Judge of the High Court unless he is a citizen of India ; and

Qualifications of Judges.

(a) has held for at least ten years a judicial office in India ; or

(b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession.

Explanation.—For the purposes of this sub-section—

(a) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which a person held judicial office after he became an advocate;

(b) in computing the period during which a person has held judicial office in the territory of India or has been an advocate of a High Court, there shall be included any period before the commencement of this Act, during which he held judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined by the Government of India Act, 1935, or has been an advocate of any High Court in any such area, as the case may be.

Declaration to be made by Judge on appointment.

10. The Chief Justice and every Judge who shall, from time to time, be appointed to the High Court whether permanently or temporarily, shall, before he enters upon his office, make and subscribe the following declaration before the Raj Pramukh or before any one of the Judges of the High Court, or before such authority as the Raj Pramukh may commission in that behalf:—

"I, A. B., having been appointed Chief Justice (or a Judge) of the High Court of the United State of Travancore and Cochin do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India and to the Constitution of the United State of Travancore and Cochin, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill and that I will uphold the said constitutions and laws."

Seal of the High Court.

11. The High Court shall have and use, as occasion may require, a seal bearing the device of the Government of the United State of Travancore and Cochin, with a label surrounding the same, with the inscription: "The Seal of the High Court of Judicature of the United State of Travancore and Cochin". The seal shall be in the custody of the Chief Justice, or in his absence, of the Judge performing the duties of the Chief Justice.

12. No person who has held office as a permanent Judge of the High Court after the commencement of this Act shall plead or act in any court or before any authority within the territory of the United State.

Judge not to plead or act in any court or before any authority after retirement.

13. The Chief Justice shall be entitled to draw a salary of Rs. 1,500 a month and every other Judge to a salary of Rs. 1,000 a month. The Judges shall also be entitled to such allowances and to such rights in respect of leave and pension as may from time to time be fixed by or under law made by the Legislature of the United State and until they are so fixed shall be entitled to such allowances and rights in respect of leave of absence and pension as the Raj Pramukh may determine:

Salaries of Judges.

[1] Provided that neither the salary of a Judge nor his rights in respect of leave of absence or pension shall be altered to his disadvantage after his appointment:

Provided further that where the service of a Judge of the existing High Court is either continued or made permanent in the High Court constituted under this Act he shall be entitled for purposes of pension to count the period of his service under the Government of the United State of Travancore and Cochin and the Government of Travancore or Cochin, as the case may be, and also to any leave he might have earned during the period of such service.

14. (1) If the office of the Chief Justice of the High Court becomes vacant, or if the Chief Justice is by reason of absence, or for any other reason unable to perform the duties of his office, those duties shall, until some person permanently appointed to the vacant office has entered on the duties thereof, or until the Chief Justice has resumed his duties, as the case may be, be performed by such one of the other Judges of the Court as the Raj Pramukh may think fit to appoint as acting Chief Justice, and until such appointment is made, by the senior Judge of the Court present.

Vacancies in the office of the Chief Justice.

(2) If the office of any other Judge of the High Court becomes vacant, or if any such Judge is appointed to act temporarily as Chief Justice, or is by reason of absence, or for any other reason unable to perform the duties of his office, the Raj Pramukh may appoint a person duly qualified for appointment as a Judge to act as a Judge of the High Court, and the person appointed shall, unless the Raj Pramukh thinks fit to revoke his appointment, be deemed to be a Judge of the High Court until some person permanently

Vacancies in the office of any other Judge.

appointed to the vacant office has entered on the duties thereof, or until the permanent Judge has resumed his duties.

Chief Justice to regulate work.

15. The Chief Justice shall, from time to time, determine which Judge in each case shall sit alone, and which of the Judges of the Court whether with or without the Chief Justice, shall constitute the several Division Courts.

Administrative Control of the High Court to vest in Chief Justice.

16. The administrative control of the High Court shall vest in the Chief Justice who may exercise it in such manner and after such consultation with the other Judges, as he may think fit.

Rank of the Chief Justice and the other Judges.

17. (1) The Chief Justice shall have rank and precedence before the other Judges of the High Court.

(2) The other Judges of the High Court shall have rank and precedence according to the seniority of their appointments:

Provided that where more than one Judge is appointed on the same date, their respective rank and precedence shall be such as may be determined by the Raj Pramukh.

PART III.

JURISDICTION OF THE HIGH COURT.

Jurisdiction and powers of the High Court.

18. (1) Subject to the provisions of this Act, the High Court shall have and exercise all the jurisdiction and powers vested in it by this Act and any other law in force or which may hereafter come into force and any power or jurisdiction vested in the existing High Court immediately prior to the coming into force of this Act.

(2) The High Court shall have power throughout the territories of the United State to issue to any person or authority, including in appropriate cases Government, directions, orders or writs in the nature of *mandamus*, *prohibition*, *quo warranto* and *certiorari*.

(3) An appeal shall lie from every order passed under sub-section (2).

(4) The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in respect of applications and appeals under sub-sections (2) and (3).

19. All references to 'High Court' in the laws in force in the United State or any part thereof immediately prior to the commencement of this Act shall be construed as references to the High Court constituted under this Act.

References to the High Court in the existing laws.

20. A single Judge of the High Court is empowered

Powers of a single Judge.

(1) to call for information from the subordinate courts with a view to superintend their working and to correct errors of procedure or practice ;

(2) to revise calendars and examine the returns in criminal cases submitted by the subordinate courts ;

(3) to examine the returns submitted by the civil courts ;

(4) to hear and decide—

(A) every application—

(i) for determining in which of several courts having jurisdiction a suit shall be heard ;

(ii) for the admission of an appeal presented after the expiry of the period allowed by the laws of Limitation ;

(iii) for the admission of an appeal in *forma pauperis*;

(iv) under Section 89 of the Travancore Code of Civil Procedure, 1100, or under Section 95 of the Cochin Code of Civil Procedure, 1111 ;

(v) of an interlocutory character in appeals and other matters pending in the High Court :

Provided that a single Judge shall not have the power to dispose of an application to implead the representative of a deceased appellant or respondent, if it is opposed, in which case the application shall be heard and decided by the Bench competent to hear the case ;

(vi) for the exercise of the High Court of its power to revise the proceedings of any criminal court :

Provided that a single Judge shall not have the power to set aside or modify any order of acquittal or enhance any sentence passed by any criminal court :

(vii) for the exercise of the powers conferred by Sections 398 and 409 of the Travancore Code of Criminal Procedure or Sections 337 and 398 of the Cochin Code of Criminal Procedure ;

(viii) (a) for the transfer of any suit, appeal or other proceeding, or proceedings in execution of a

decree, from one of the civil courts subordinate to the High Court to another subordinate civil court competent to try and dispose of the same or to the High Court:

(b) for the re-transfer of any suit, appeal or other proceeding or proceedings in execution of a decree, from the High Court to one of the civil courts subordinate to the High Court and competent to try and dispose of the same;

(ix) (a) for the transfer of any enquiry, trial or other proceeding, from one of the criminal courts subordinate to the High Court to another subordinate criminal court competent to enquire into or try and dispose of the same, or to the High Court;

(b) for the re-transfer of any enquiry, trial or other proceeding, from the High Court to one of the criminal courts subordinate to the High Court and competent to enquire into or try and dispose of the same; and

(x) under sub-section (2) of Section 18,

(B) every reference by a criminal court for the revision of proceedings of a subordinate criminal court, provided that a single Judge shall not have the power to set aside or modify any order of acquittal or to enhance any sentence passed by any criminal court.

(C) every appeal from an appellate decree or order, provided that a single Judge shall not have the power to set aside or modify any such decree or order, and provided further, that a single Judge shall not have the power to dismiss the appeal if he is of opinion that the appeal will lie on ground (d) mentioned in sub-section (1) of Section 79 of the Travancore Code of Civil Procedure, 1100, or on ground (d) mentioned in sub-section (1) of Section 85 of the Cochin Code of Civil Procedure, 1111:

Provided always that it shall be lawful for such Judge to refer any such application or appeal for the decision of a Division Bench of two Judges or of a Full Bench;

(5) to withdraw and to try and decide any suit or other proceeding pending in any civil court subordinate to the High Court or to transfer the same to any other civil court competent to try and dispose of the same or to re-transfer the same to the court from which it was withdrawn; and

(6) to withdraw, inquire into, try and decide any inquiry, trial or proceeding pending in any criminal court subordinate to the High Court, or to transfer the same to any other criminal court competent to inquire into or to try and dispose of

the same or to re-transfer the same to the court from which it was withdrawn.

21. A Division Bench, consisting of two Judges of the High Court, is empowered:—

Powers of Division Benches of two Judges.

(i) to hear and decide appeals against orders passed by a single Judge under sub-section (2) of Section 18 and to hear and decide applications or appeals or other proceedings that a single Judge may refer under Section 20;

(ii) (*a*) to hear and decide all appeals, civil and criminal, preferred from the decrees, orders, convictions or sentences of the civil and criminal courts where the same are allowed by law, except the appeals provided for in Section 25;

(*b*) to hear and decide all appeals preferred from the decrees and from such orders as are provided for in Section 82 and Section 88 of the Travancore or Cochin Code of Civil Procedure, as the case may be, of a single Judge of the High Court passed in the exercise of original jurisdiction except the appeals provided for in Section 25;

(*c*) to hear and decide all appeals preferred against convictions or sentences and orders of acquittal passed by a single Judge of the High Court in the exercise of original jurisdiction;

(iii) to transfer on its own motion civil or criminal cases from one court to another;

(iv) to dispose of references made by the subordinate courts in non-appealable civil cases, and to revise on its own motion or otherwise, the proceedings of the civil courts in non-appealable cases;

(v) to revise convictions or sentences or orders passed by subordinate criminal courts in cases called up by the High Court on its own motion and to pass orders on references made by subordinate criminal courts;

(vi) to hear and determine applications under Section 402 of the Travancore Code of Criminal Procedure or under Section 391 A of the Cochin Code of Criminal Procedure; and

(vii) to pass orders on all petitions and applications, civil or criminal, not falling under any of the preceding clauses.

22. (1) During the annual recess of the High Court, a single Judge of the Court acting as vacation Judge and during consecutive holidays of more than three days' duration a single Judge of the Court to be nominated by the Chief Justice shall have—

Powers of vacation Judges.

(a) all the powers of the High Court except in cases in which such power must be exercised under any provision of any law by more than one Judge, and

(b) the power to make provisional orders in all urgent matters, civil and criminal, and for such purpose to receive appeals, plaints and petitions ordinarily presentable to the subordinate courts:

Provided, however, that such provisional orders shall remain in force until the matter has been heard and decided by the court having jurisdiction.

(2) It shall be competent for the Chief Justice during the annual recess of the High Court or during consecutive holidays of more than three days' duration to constitute a Division Bench or a Full Bench to hear and decide any matter that such Bench is competent to hear and decide otherwise.

23. Where two Judges forming a Division Bench agree as to the decree, order or sentence to be passed, their decision shall be final. But if they disagree, they shall deliver separate judgments and thereupon the Chief Justice shall refer, for the opinion of another Judge, the matter or matters on which such disagreement exists, and the decree, order or sentence shall follow the opinion of the majority of the Judges hearing the case.

Reference by Chief Justice.

24. Any case, civil or criminal of a special or novel character, or involving an important point of law; may be referred to a Full Bench for hearing and decision either by the Chief Justice before the case is heard by a Division Bench of two Judges or by such Bench when hearing the case. The decision of the Full Bench, or in case of a difference of opinion, the decision of the majority shall be final:

Reference to a Full Bench.

Provided that the Judges of the Division Bench may direct that any civil appeal falling under Section 21 be heard and decided along with any appeal falling under Section 25, if, in their opinion, both the appeals are connected with each other.

25. A Full Bench shall hear and decide all appeals from the decrees of the District Courts or the court of a Subordinate Judge or of a single Judge of the High Court in suits in which the amount or value of the subject-matter is not less than five thousand rupees and the amount or value of the matter in appeal is not less than that sum.

Civil appeals of Rupees five thousand and upwards.

Explanation I. For the purpose of this Section :—

(a) the value of a suit or appeal shall be determined with reference to the provisions of the United State of Travancore and Cochin Suits Valuation Act;

(b) all the appeals preferred against one and the same decree shall be treated as one appeal;

(c) objections filed by the respondents under Order XL, Rule 21 of the Travancore Code of Civil Procedure or under Order XLI, Rule 22 of the Cochin Code of Civil Procedure shall be treated as an appeal.

Explanation II. Orders of remand, orders of dismissal for default and orders of abatement consequent on the death of Parties under the Travancore or Cochin Code of Civil Procedure shall not be deemed decrees within the meaning of this Section.

26. In cases decided under Section 25 of this Act a Full Bench of the High Court may admit a review of judgment subject to the provisions of the Travancore or Cochin Code of Civil Procedure, as the case may be.

Review of judgment.

PART IV.

ADMINISTRATIVE FUNCTIONS OF THE HIGH COURT.

27. (1) The High Court shall have superintendence over all courts subordinate to it throughout the United State of Travancore and Cochin.

Powers of High Court over subordinate courts.

(2) It shall be competent for the High Court to depute a Judge of the said court to visit the subordinate courts, to correct the errors of their procedure and practice, and generally to examine and report on the working of the subordinate courts.

(3) Without prejudice to the generality of the foregoing provisions, the High Court may—

(a) call for returns from such courts;

(b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction, or withdraw such suit or appeal from any such court to itself;

(c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

(d) prescribe forms in which books, entries and accounts, shall be kept by the officers of any such courts.

The administrative expenses of the High Court.

28. The administrative expenses of the High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court and the salaries and allowances of the Judges of the Court, shall be charged on the revenues of the United State and any fees or other moneys taken by the Court shall form part of those revenues.

PART V.

MISCELLANEOUS.

29. A Full Bench of the High Court shall consist of an uneven number of Judges not less than three.

Constitution of Full Bench of the High Court.

Regulation of business in the High Court.

30. The conduct of the business in the High Court shall be regulated by the Chief Justice, and in his absence, by the senior Judge of the Court present until another judge is appointed by the Raj Pramukh to perform the duties of the Chief Justice.

Adjournment of the High Court.

31. The High Court may, with the sanction of Government adjourn for a period not exceeding sixty days for summer and not exceeding seven days for Onam and ten days for Christmas respectively in each year.

The dates of commencement and termination of the adjournment shall be fixed and notified in the Gazette.

32. The High Court shall have power to make rules not inconsistent with this Act or any other law for the time being in force to regulate the procedure in the High Court and in the courts subordinate to the High Court. Such rules shall be published in the Gazette.

Power to make rules.

33. All advocates entitled to practise in the existing High Court shall be entitled as of right to practise in the High Court and the courts subordinate thereto.

Advocates.

34. The Travancore High Court Act, IV of 1099, the United State of Travancore and Cochin High Court Ordinance, II of 1124 and the Government of Cochin Act, XX of 1113 are hereby repealed.

Repeal.

By order,

Government Secretariat,
Trivandrum 28th December 1949.

JOHN SAMUEL,
Secretary to Government.

GOVERNMENT OF THE UNITED STATE OF TRAVANCORE AND COCHIN.

The following Act of the Legislature of the United State of Travancore and Cochin received the assent of His Highness the Raj Pramukh on the 26th December 1949 corresponding to the 11th Dhanu 1125 and is hereby published for general information.

THE UNITED STATE OF TRAVANCORE AND COCHIN ADMINISTRATION AND APPLICATION OF LAWS ACT, 1125.

Act No. VI of 1125

Preamble.

WHEREAS, it is necessary to make temporary provision for the continuance in that portion of the territory of the United State, which, before the 1st day of July 1949 (hereinafter in this Act referred to as "the appointed day") formed the State of Travancore the laws which were in force in that State immediately prior to the appointed day and which were continued in force by Ordinance No. I of 1124; and for the continuance in that portion of the territory of the United State, which, before the appointed day formed the State of Cochin, the laws which were in force in that State immediately prior to the appointed day and which were continued in force by Ordinance No. I of 1124; and to make provision for certain other matters; It is hereby enacted as follows:—

Title, extent and commencement.

1. (1) This Act may be called "The United State of Travancore and Cochin Administration and Application of Laws Act, 1125."

(2) It extends to the whole of the United State of Travancore and Cochin.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(a) "Covenant" shall mean the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State of Travancore and Cochin;

(b) "Existing law of Travancore" shall mean any Proclamation, Act, law, order, bye-law, rule, regulation or notification in force immediately prior to the appointed day in that portion of the territories of the United State of Travancore and Cochin which immediately before the appointed day formed the territory of the State of Travancore, except the Travancore Interim Constitution Act, 1123 and the Proclamation dated the 4th September 1947;

(c) "Existing law of Cochin" shall mean any Proclamation, Act, law, order, bye-law, rule, regulation or notification in force immediately prior to the appointed day, in that portion of the territories of the United State of Travancore and Cochin which immediately before the appointed day formed the territory of the State of Cochin, except the Government of Cochin Act, 1113;

(d) "United State" shall mean the United State of Travancore and Cochin.

32. The High Court shall have power to make rules not inconsistent with this Act or any other law for the time being in force to regulate the procedure in the High Court and in the courts subordinate to the High Court. Such rules shall be published in the Gazette.

Power to make rules.

33. All advocates entitled to practise in the existing High Court shall be entitled as of right to practise in the High Court and the courts subordinate thereto.

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Title, extent and commencement.

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Definitions.

2\. In this Act, unless there is something repugnant in the subject or context,—

(a) "Covenant" shall mean the Covenant entered into by the Rulers of Travancore and Cochin for the formation of the United State of Travancore and Cochin;

(b) "Existing law of Travancore" shall mean any Proclamation, Act, law, order, bye-law, rule, regulation or notification in force immediately prior to the appointed day in that portion of the territories of the United State of Travancore and Cochin which immediately before the appointed day formed the territory of the State of Travancore, except the Travancore Interim Constitution Act, 1123 and the Proclamation dated the 4th September 1947;

(c) "Existing law of Cochin" shall mean any Proclamation, Act, law, order, bye-law, rule, regulation or notification in force immediately prior to the appointed day, in that portion of the territories of the United State of Travancore and Cochin which immediately before the appointed day formed the territory of the State of Cochin, except the Government of Cochin Act, 1113;

(d) "United State" shall mean the United State of Travancore and Cochin

The existing laws of Travancore to continue in force in the territory of Travancore.

3. (1) Subject to the provisions of this Act, and subject also to any alterations, amendments or repeals effected by the Legislature of the United State or other competent authority before the commencement of this Act, the existing laws of Travancore shall, until altered, amended or repealed by the Legislature of the United State or other competent authority, continue to be in force mutatis mutandis in that portion of the territories of the United State which before the appointed day formed the territory of the State of Travancore.

References to the Maharaja, the Government, or the Dewan, or a Minister in those laws, how to be construed.

(2) All references in any of the existing laws of Travancore to His Highness the Maharaja of Travancore or the Government or the Dewan or a Minister shall be construed as references to the Raj Pramukh or the Government of the United State or the Minister concerned of the United State, as the case may be.

The existing laws of Cochin to continue in force in the territory of Cochin.

4. (1) Subject to the provisions of this Act, and subject also to any alterations, amendments or repeals effected by the Legislature of the United State or other competent authority before the commencement of this Act, the existing laws of Cochin shall, until altered, amended or repealed by the Legislature of the United State or other competent authority, continue to be in force mutatis mutandis in that portion of the territories of the United State which before the appointed day formed the territory of the State of Cochin.

References to the Maharaja, the Government or the Dewan or a Minister in those laws, how to be construed.

(2) All references in any of the existing laws of Cochin to His Highness the Maharaja of Cochin or the Government or the Dewan or a Minister shall be construed as references to the Raj Pramukh or the Government of the United State or the Minister concerned of the United State, as the case may be.

Power of Raj Pramukh to make rules.

5. The Raj Pramukh shall make rules for the more convenient transaction of the business of the Government of the United State and for the allocation among Ministers of the said business.

Officers in the service of the Government of Travancore or Cochin whose services are continued by the Government of the United State to be deemed officers of the Government of the United State.

6. (1) All officers in the service of the Government of Travancore or the Government of Cochin immediately prior to the appointed day whose services are continued by the Government of the United State under Article XIX of the Covenant shall be deemed to be officers of the Government of the United State. Such officers and all officers appointed by the Government of the United State shall exercise the powers and perform the functions under the existing laws of Travancore or under the existing laws of Cochin, as the case may be, or of both, where the Government of the United State issue directions in this behalf to officers concerned; and when acting in such capacity they shall be

deemed to be the officers specified in the existing laws of Travancore or in the existing laws of Cochin, as the case may be, or of both, entitled to exercise the powers and charged with the duties and obligations under such laws.

Civil Courts constituted, jurisdiction conferred etc., under the Civil Courts Acts prior to the appointed day to be valid and effective for all purposes.

(2) All Civil Courts constituted, appointments made, limits fixed, jurisdiction and powers conferred under the Travancore and Cochin Civil Courts Acts prior to the appointed day shall be valid and effective for all purposes as if the Civil Courts were constituted, appointments were made, limits were fixed and jurisdiction and powers were conferred by the Government of the United State.

Criminal Courts constituted, jurisdiction conferred etc., under the Criminal Procedure Codes to be valid and effective for all purposes.

(3) All Criminal Courts constituted, appointments made, limits fixed, jurisdiction and powers conferred under the Travancore and Cochin Codes of Criminal Procedure prior to the appointed day shall be valid and effective for all purposes as if the Criminal Courts were constituted, appointments were made, limits were fixed and jurisdiction and powers were conferred by the Government of the United State.

Saving.

7. The formation of the United State shall not—

(a) affect anything duly done or suffered under the existing laws of Travancore or under the existing laws of Cochin ; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred prior to the appointed day ; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the existing laws of Travancore or against the existing laws of Cochin prior to the appointed day ; or

(d) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceedings or remedy may be instituted, continued or enforced in the United State and any such penalty, forfeiture or punishment may be imposed as if the United State had not been formed.

Continuance of legal proceedings taken by or against the Government of Travancore or of Cochin prior to the appointed day.

8. (1) Any legal proceedings taken by or against the Government of Travancore or the Government of Cochin prior to the appointed day may be continued by or against the Government of the United State represented by the Chief Secretary to the Government of the United State.

(2) Suits by or against the Government of the United State shall be instituted by or against the Chief Secretary to the Government of the United State.

Suits by or against the Government of the United State.

(3) Suits by or against the person or property of the Ruler of Cochin including the Palliyara Mothalpidi Estate, the Nithyachelavu and the Nedumittam Devaswom shall be instituted in the name of an agent appointed for the purpose and notified by the Ruler of Cochin in the Gazette of the United State. In the absence of any such Notification, the Ruler of Cochin may sue or be sued in his own name.

Suits by or against the Ruler of Cochin.

9. In the application of the existing laws of Travancore or the existing laws of Cochin by virtue of the operation of Section 3 or Section 4, the Courts of the United State shall have power for the removal of difficulties, if any, arising out of or in connection with such application, to interpret such laws so as to effectuate the purposes intended by this Act.

Power of Courts for removal of difficulties.

10. The United State of Travancore and Cochin Administration and Application of Laws Ordinance No. I of 1124 is hereby repealed.

Repeal of Ordinance No. I of 1124.

By Order,

Government Secretariat,
Trivandrum, 28th December 1949.

JOHN SAMUEL,
Secretary to Government.